

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 13200 of 2006(U)

OS.92/2000 of MUNSIF COURT, VAIKOM
.....

PETITIONER:

K.V. SHIBU,
SREYAS HOUSE, KOCHUKAVALA BHAGOM, VAIKOM,
NOW RESIDING AT ESWARY HOUSE, VAIKOM.

BY ADV. SRI.T.R.RAJAN
SRI.T.K.DEVARAJAN

RESPONDENTS:

JYOTHI, AGED 42,
PAVITHRAN HOUSE, THAVALAKUZHI BHAGOM,
ETTUMANOOR VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C)13200/06

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: TRUE COPY OF EXECUTION PETITION DATED 3.2.03 FILED BY
RESPONDENT IN O.S.92/00 ON THE FILE OF MUSNSIFF COURT, VAIKOM.
- EXT.P2: TRUE COPY OF E.A.344/05 IN O.S.92/2000 ON THE FILE OF MUNSIFF COURT,
VAIKOM.
- EXT.P3: TRUE COPY OF ORDER DATED 17.02.2006 IN E.A.344/05 IN O.S.92/2000
OF MUNSIFF COURT, VAIKOM.

/TRUE COPY/

PA TO JUDGE.

M.SASIDHARAN NAMBIAR, J .

**-----
W.P.(C)NO.13200 OF 2006
-----**

DATED THIS THE 19th DAY OF JANUARY, 2007

JUDGMENT

Petitioner is judgment debtor and respondent decree holder. Petitioner filed E.A.344/05, an application for permission to pay the decree debt in instalments at the rate of Rs.1,000/- per month. It was opposed by decree holder as per Ext.P3 order. Learned Munsiff dismissed the application. It is challenged in this petition filed under Article 227 of Constitution of India.

2. Though notice was served on respondent, respondent did not appear.

3. Learned Counsel appearing for petitioner was heard.

4. As per order dated, 24.5.06, while granting an order of stay, petitioner was directed to deposit Rs.15,000/- within one month. It is submitted by learned Counsel appearing for petitioner was that the said amount has already been deposited before the executing Court. Ext.P1 execution petition shows that Rs.43,250/- was claimed in the EP. Ext.P3 order shows that Rs.10,000/- has been paid when the execution proceedings was pending.

In such circumstances, petitioner is directed to pay the balance

decree debt in six equal monthly instalments. First instalment falling on 12.2.07. If the petitioner commits default in payment of two consecutive instalments, executing Court to proceed with the order of arrest.

M.SASIDHARAN NAMBIAR, JUDGE

Acd